

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ROBERT D. CARR, )  
Plaintiff, )  
v. )  
ANHEUSER-BUSCH COMPANIES, INC., )  
Defendant. )  
No. 4:10-CV-1729 (CEJ)

## **MEMORANDUM AND ORDER**

This matter is before the Court on defendant's motion to compel discovery responses or, alternatively, to extend the discovery deadline so that plaintiff may respond to the discovery.

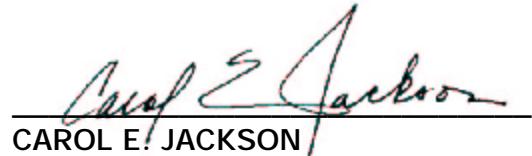
Rule 37(a)(1) of the Federal Rules of Civil Procedure provides that a motion to compel discovery *“must include* a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” (emphasis added). Local Rule 37-3.04 sets forth the requirements for the statement of the parties’ good faith efforts to resolve the discovery dispute. The defendant’s motion does not comply with either rule. Therefore, the Court will not consider the motion. See Local Rule 37-3.04 (court will not consider any motion relating to discovery that does not contain a statement of good faith efforts to resolve the dispute).

The motion will be denied without prejudice which will allow the defendant to re-file it after compliance with Rule 37(a)(1) and Local Rule 37-3.04. However, given the uncomplicated nature of the dispute here, the Court is confident that counsel for the

parties will be able to resolve it without judicial intervention and that it will be unnecessary to re-file the motion.

Accordingly,

**IT IS HEREBY ORDERED** that the motion by defendant to compel discovery or, alternatively, to extend the discovery deadline [Doc. #40] is **denied without prejudice**.



Carol E. Jackson  
CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 18th day of July, 2011.